

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NATALIE REESER,

Plaintiff,

v

Case No. 2:14-cv-11916-GCS-MJH

Hon. George Caram Steeh

Magistrate Stephanie Dawkins Davis

**HENRY FORD HEALTH SYSTEM
d/b/a HENRY FORD HOSPITAL,**

Defendant.

MILLER COHEN, P.L.C.

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Attorneys for Plaintiff

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VARNUM LLP

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**DEFENDANT'S OBJECTIONS TO PLAINTIFF'S PROPOSED JURY
INSTRUCTIONS**

NOW COMES Defendant Henry Ford Health System, by and through its attorneys, VARNUM LLP, and for its objections to Plaintiff's proposed jury instructions states as follows:

| Plaintiff's Proposed Jury Instruction | Defendant's Objections |
|--|--|
| No. 1. 101.01 Opening Instructions | Does not comply with the law; modifications inappropriate. |
| No. 2. Jury's Responsibility | Does not comply with the law; modifications inappropriate. |

| Plaintiff's Proposed Jury Instruction | Defendant's Objections |
|--|---|
| No. 3. Jurors' Duties | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 4. Evidence Defined | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 5. Direct and Circumstantial Evidence | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 6. Consideration of Evidence | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 7. Inferences | Does not comply with the law; modifications inappropriate. |
| No. 8. Credibility of Witnesses | Does not comply with the law; modifications inappropriate. |
| No. 9. Impeachment – Inconsistent Statement or Conduct | Does not comply with the law; modifications inappropriate. |
| No. 10. Prior Inconsistent Statement - Standard | Does not comply with the law; modifications inappropriate. |
| No. 11. Witness Who Has Been Interviewed by and Attorney | Does not comply with the law; modifications inappropriate. |
| No. 12. Lawyers' Objections | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 13. Use of Depositions As Evidence (If necessary) | Does not comply with the law; modifications inappropriate. |

| Plaintiff's Proposed Jury Instruction | Defendant's Objections |
|--|---|
| No. 14. Consideration of Deposition Evidence | Does not comply with the law; modifications inappropriate. |
| No. 15. Communications Between Court and Jury During Jury Deliberations | Does not comply with the law; modifications inappropriate. |
| No. 16. Number of Witnesses | Does not comply with the law; Plaintiff's jury instructions are criminal not civil and not identified as such; modifications inappropriate. |
| No. 17. Burden of Proof | Does not comply with the law; modifications inappropriate. |
| No. 18. Burden of Proof – Knowledge | Does not comply with the law; modifications inappropriate. |
| No. 19. Retaliatory Motive of Direct Supervisors Can Be Imputed to the Decision-Makers | Does not comply with the law; modifications inappropriate. |
| No. 20. Fair Labor Standards Act Retaliation | Does not comply with the law; modifications inappropriate. |
| No. 21. FLSA – Causation | Does not comply with the law; modifications inappropriate. |
| No. 22. Whistleblowers' Protection Act: Explanation | Does not comply with the law; modifications inappropriate. |
| No. 23. Whistleblowers' Protection Act: Protected Activity – Definition | Does not comply with the law; modifications inappropriate. |
| No. 24. Whistleblowers' Protection Act: Causation | Does not comply with the law; modifications inappropriate. |
| No. 25. Whistleblowers' Protection Act: Good Faith Belief | Does not comply with the law; modifications inappropriate. |
| No. 26. Whistleblowers' Protection Act: Burden of Proof | Does not comply with the law; modifications inappropriate. |
| No. 27. Defendant's Nondiscriminatory Reason | Does not comply with the law; modifications inappropriate. |

| Plaintiff's Proposed Jury Instruction | Defendant's Objections |
|--|--|
| No. 28. Plaintiff's Showing of Pretext | Does not comply with the law; modifications inappropriate. |
| No. 29. Backpay | Does not comply with the law; modifications inappropriate. |
| No. 30. Front Pay | Does not comply with the law; modifications inappropriate. |
| No. 31. Liquidated Damages | Does not comply with the law; modifications inappropriate. |
| No. 32. Compensatory Damages | Does not comply with the law; modifications inappropriate. |
| No. 33. Defendant Takes Plaintiff As It Finds Her | Does not comply with the law; modifications inappropriate. |
| No. 34. Exemplary Damages – Whistleblower Protection Act | Does not comply with the law; modifications inappropriate. |
| No. 35. Punitive Damages Under The FLSA | Does not comply with the law; modifications inappropriate. |
| No. 36. Duty To Mitigate | Does not comply with the law; modifications inappropriate. |
| No. 37. After Acquired Evidence | Does not comply with the law; modifications inappropriate. |

Respectfully submitted,

VARNUM LLP

BY: /s/ Terrence J. Miglio
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Dated: May 3, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

/s/ Terrence J. Miglio
Terrence J. Miglio (P30541)